

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**CHIEF HEARING OFFICER DIRECTIVE**

**DOCKET NOS. 2020-275-S ORDER NO. 2020-128-H**

**DECEMBER 15, 2020**

**CHIEF HEARING OFFICER: David Butler**

**DOCKET DESCRIPTION:**

**Application of Condor Environmental, Incorporated Requesting an Expansion of Its Existing Sewer Service Area to Include Certain Portions of Anderson County and Saluda County and Approval of Agreement (Request for Expedited Review)**

**MATTER UNDER CONSIDERATION:**

**Petition to Intervene of Saluda County Water and Sewer Authority (SCWSA)**

**CHIEF HEARING OFFICER'S ACTION:**

**This matter comes before the Chief Hearing Officer on the Petition to Intervene of Saluda County Water and Sewer Authority in the Docket noted above. The Petition is timely filed, and no objections to the intervention have been filed.**

**After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must:**

**set forth clearly and concisely:**

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;**
- (b) The grounds of the proposed intervention;**
- (c) The position of the petitioner in the proceeding.**

**Objections to a Petition to Intervene shall be filed with the Commission within ten days of service of the Petition to Intervene. S.C. Code Ann. Regs. 103-825A(3) (2012) (emphasis added).**

**SCWSA states that it is a special purpose district organized and existing pursuant to the laws of the state of South Carolina. SCWSA owns and operates a sewer system in all of Saluda County excluding any area within an incorporated municipality. Act No. 115, General and Permanent Laws, 1070; S.C. Code Ann. § 6-11-320 (1976); Saluda County Ordinance No. 14-92 adopted January 11, 1993. SCWSA notes that it is not subject to rate regulation by the Public Service Commission. Act. No. 115, Sect. 8. SCWSA is the wholesale and retail sewer service provider to those in Saluda County seeking sewer service.**

**Although in the past SCWSA collected sewer for treatment ultimately by the City of North Augusta, SCWSA is currently constructing a 4 MGD sewer plant, decommissioning the Town of Saluda's sewer plant, furnishing wholesale sewer service to this Town's customers and continuing to provide wholesale sewer service to the Town of Ridge Spring. SCWSA also owns and operates a satellite sewer drain field called Bass Harbor with 20 taps. Bass Harbor is less than 2 miles as the crow flies from Palmetto Pointe.**

**Further, according to SCWSA, commencing November 2018 through February 2019, American Land Holdings, LLC (ALH), developer of Palmetto Pointe Subdivision, requested sewer service from SCWSA. SCWSA asserts that it was willing to provide and capable of providing sewer service to Palmetto Pointe Subdivision even if the infrastructure consisted of septic tanks and a drain field. At the end of February 2019, ALH requested that the sewer service provisions in the willingness and capability letter be removed. SCWSA is the water provider to Palmetto Pointe Subdivision.**

**SCWSA asserts that it is an interested utility with respect to the Application and the Motion. It was not served with either. SCWSA became aware of the Application and Motion on November 24, 2020, when Saluda County forwarded these pleadings to SCWSA. At a minimum, SCWSA believes that Condor should be required to publish a Notice of Filing in a newspaper of general circulation in Saluda County, to avoid any other interested parties being left in the dark.**

**SCWSA is a publicly owned treatment works with sewer service facilities in the area proposed to be served, viz., Palmetto Pointe Subdivision. SCWSA objects to Condor extending sewer service into Saluda County. Because SCWSA has sewer service facilities in the area and objects to Condor serving the area, SCWSA argues that the Commission should deny the Application and the Motion with respect to Saluda County, including the Palmetto Pointe Subdivision.**

**From these facts, this Hearing Officer holds that SCWSA has successfully satisfied the three criteria for intervention stated in the Regulation. A review of the information in the preceding paragraphs reveals that SCWSA's interest in these matters can clearly be discerned, as can the grounds for the intervention, and also SCWSA's position. SCWSA clearly has sewer facilities in the area in question, and believes that the Commission should deny Condor's Application with respect to Saluda County.**

**Further, the Petition to Intervene was timely filed and there are no objections to the intervention. Accordingly, the Petition to Intervene of SCWSA is hereby granted in this Docket. This ends the Chief Hearing Officer's Directive.**